NORTHERN TERRITORY OF AUSTRALIA

SMALL CLAIMS ACT

As in force at 1 May 2016

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NORTHERN TERRITORY OF AUSTRALIA

As in force at 1 May 2016

SMALL CLAIMS ACT

An Act relating to small claims

Part 1 Preliminary matters

1 Short title

This Act may be cited as the *Small Claims Act*.

2 Commencement

This Act commences on the day fixed by the Administrator by *Gazette* notice.

3 Definitions

In this Act:

claim includes a cause of action.

small claims jurisdiction, of the Tribunal, means the jurisdiction conferred by section 6.

small claims limit, see section 5.

Tribunal means the Civil and Administrative Tribunal.

Tribunal Act means the *Northern Territory Civil and Administrative Tribunal Act*.

Note for section 3

The Interpretation Act contains definitions and other provisions that may be relevant to this Act.

4 Application of Criminal Code

Part IIAA of the Criminal Code applies to an offence against this Act.

Note for section 4

Part IIAA of the Criminal Code states the general principles of criminal responsibility, establishes general defences, and deals with burden of proof. It also defines, or elaborates on, certain concepts commonly used in the creation of offences.

Part 2 Small claims jurisdiction

5 Small claims limit

(1) The ***small claims limit*** is $25 000.

(2) For determining whether a claim is within the Tribunal's small claims jurisdiction, the amount or value of the claim is to be determined exclusive of any costs or interest that might be awarded by the Tribunal.

6 Small claims jurisdiction

Subject to this Act and any other Act, the Tribunal has jurisdiction to deal with a claim for any of the following:

(a) the recovery of an amount that does not exceed the small claims limit;

(b) the performance of work, to a value that does not exceed the small claims limit;

(c) relief from payment of an amount of money that does not exceed the small claims limit;

(d) the return or replacement of goods, to a value that does not exceed the small claims limit.

Notes for section 6

1 Under section 32 of the Tribunal Act, the small claims jurisdiction comes within the Tribunal's original jurisdiction.

2 Section 13A of the Local Court Act confers limited concurrent jurisdiction on the Local Court in relation to claims mentioned in this section.

7 Representation

Despite section 130(1)(b) of the Tribunal Act, a party to a proceeding in the small claims jurisdiction is entitled to appear by a legal practitioner only with the leave of the Tribunal.

Part 3 Miscellaneous

8 Regulations

The Administrator may make regulations under this Act.

Part 4 Repeals and transitional matters for Small Claims Act 2016

Division 1 Repeals

9 Acts repealed

The Acts specified in the Schedule are repealed.

Division 2 Transitional matters

10 Current proceedings to continue in Local Court

(1) This section applies if, before the commencement:

(a) a small claims proceeding had been commenced in the Local Court; and

(b) the proceeding, including any appeals that might be made, had not been finally determined.

(2) The former law continues to apply in relation to the proceeding, including any appeals, as if this Act and the *Justice Legislation Amendment (Small Claims and Other Matters) Act 2016* had not commenced.

(3) In this section:

commencement means the commencement of section 9.

former law means:

(a) the former *Small Claims Act* (being Act No. 67 of 1974, as amended) before its repeal by section 9; and

(b) the *Local Court Act*, as in force immediately before the commencement.

small claims proceeding means either of the following:

(a) a proceeding under the former *Small Claims Act*;

(b) a proceeding of the kind described in section 24 of the former *Small Claims Act*.

Schedule Repealed Acts

section 9

Small Claims Ordinance 1974	Act No. 67 of 1974
Small Claims Ordinance 1977	Act No. 39 of 1977
Small Claims Amendment Act 1981	Act No. 10 of 1982
Small Claims Amendment Act 1988	Act No. 43 of 1988
Small Claims Amendment Act 1997	Act No. 21 of 1997
Small Claims Amendment Act 2001	Act No. 63 of 2001

ENDNOTES

1 KEY

Key to abbreviations

amd = amended
app = appendix
bl = by-law
ch = Chapter
cl = clause
div = Division
exp = expires/expired
f = forms
Gaz* = *Gazette
hdg = heading
ins = inserted
lt = long title
nc = not commenced
od = order
om = omitted
pt = Part
r = regulation/rule
rem = remainder
renum = renumbered
rep = repealed
s = section
sch = Schedule
sdiv = Subdivision
SL = Subordinate Legislation
sub = substituted

2 LIST OF LEGISLATION

***Small Claims Act 2016* (Act No. 4, 2016)**

Assent date	2 March 2016
Commenced	1 May 2016 (*Gaz* G15, 13 April 2016, p 4)

***Justice Legislation Amendment (Small Claims and Other Matters) Act 2016* (Act No. 3, 2016)**

Assent date	2 March 2016
Commenced	pt 3: nc; rem: 1 May 2016 (s 2, s 2 *Local Court Act 2015* (Act No. 15, 2015), *Gaz* G1, 6 January 2016, p 9 and *Gaz* G15, 13 April 2016, p 4)

3 LIST OF AMENDMENTS

s 6 amd No. 3, 2016, s 27